

House
REPUBLICAN
Conference

FloorPrep

Legislative Digest

Tuesday, November 9, 1999

J.C. Watts, Jr.
Chairman
4th District, Oklahoma

*House Meets at 9:00 a.m. for Morning Hour and
10:00 a.m. for Legislative Business*

Anticipated Floor Action:

H.R. 2879—Commemorating the ‘I Have a Dream’ Speech at the Lincoln Memorial

H.R. 3090—Elim Native Corporation Land Restoration Act

H.R. 1444—Aquatic Resources Restoration in the Northwest and in California

H.Res. 350—Sense of Congress Regarding the Trafficking of Baby Parts

H.R. 2280—Veterans Benefits Improvement Act (Considering Senate Amendments)

H.Con.Res. ____—Reauthorizing the Printing of Certain Publications

H.R. 3073—Fathers Count Act

H.R. 1714—Electronic Signatures in Global and National Commerce (E-SIGN) Act

H.R. 1555—FY 2000 Intelligence Authorization Act (Conference Report)



Bills Considered Under Suspension of the Rules

Floor Situation: The House will consider the following six measures under suspension of the rules as its first order of business today. Each is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

H.R. 2879—Commemorating the ‘I Have a Dream’ Speech at the Lincoln Memorial authorizes the placement of a plaque commemorating Dr. Martin Luther King’s “I Have a Dream” speech on the steps of the Lincoln Memorial where he delivered the speech on August 28, 1963. The bill directs the Interior Secretary to accept contributions to help offset costs associated with preparing and placing the plaque. The bill was introduced by Mrs. Northup *et al.* and was reported by the Resources Committee by voice vote on October 27, 1999.

H.R. 3090—Elim Native Corporation Land Restoration Act authorizes the Interior Secretary to convey 50,000 acres of Bureau of Land Management land north of the Norton Bay Reservation in Alaska to the Elim Corporation, a native village corporation established under the Alaska Native Claims Settlement Act, to replace land deleted from the reservation in 1929. According to the BLM, the land that the corporation will gain currently generates no income and the agency does not expect the land to generate an income over the next 10 years. The bill was introduced by Mr. Young (AK) and was reported by the Resources Committee by voice vote on October 20, 1999.

H.R. 1444—Aquatic Resources Restoration in the Northwest and in California authorizes the U.S. Fish and Wildlife Service (USFWS) to finance projects (fish screens, fish passage devices, and other similar measures) to relieve negative impacts on fisheries from the construction and operation of facilities that divert water in 14 large-scale water projects in the Columbia River basin and other projects in California by local government entities in Oregon, Washington, Montana, Idaho, and California. These facilities provide navigation assistance, flood control, crop irrigation, hydroelectric power, and recreational uses. The bill authorizes \$25 million for each FYs 2001-2005 to carry out these activities. CBO estimates that enactment of H.R. 1444 will cost \$8 million in FY 2001 and a total of \$70 million through FY 2004, assuming appropriation of the authorized amounts. An additional \$55 million will be spent after FY 2004. The bill was introduced by Mr. DeFazio and Mr. Walden and was reported by the Resources Committee by voice vote on August 4, 1999.

H.Res. 350 expresses the sense of Congress that it should exercise oversight responsibilities and conduct hearings, and take appropriate steps if necessary, concerning private companies that are involved in trafficking baby body parts for profit. The 1993 National Institutes of Health Revitalization Act effectively lifted the ban on federally funded research involving the transplantation of baby body parts and made it a federal felony for any person to knowingly, for “valuable consideration,” purchase or sell baby body parts. The sponsor believes that private companies are circumventing federal law and trafficking in baby parts for profit. The resolution was introduced by Mr. Tancredo and was not considered by a committee.

H.R. 2280—Veterans Benefits Improvement Act (Considering Senate Amendments) authorizes a 2.4 percent cost-of-living adjustment (COLA) for disability compensation and Dependency and Indemnity Compensation (DIC) for survivors of certain disabled veterans. The House-passed version of H.R. 2280 included a number of additional measures designed to expand veterans’ benefits in addition to authorizing a COLA. The House passed H.R. 2280 under suspension of the rules by a vote of 424-0 on June 29. The Senate passed S. 1393 (authorizing only a COLA adjustment) by unanimous consent on July 26.

H.Con.Res. ____ authorizes the Joint Committee on Printing (JCP) to reprint sufficient quantities of four publications for use by members of Congress. These publications are the pocket-size and full-size Constitution handbooks, the book *How Our Laws Are Made* by Charles Johnson, and the CRS publication *Our American Government*. The JCP traditionally prints a few thousand copies of these informative publications each year, which are used by members and staff and distributed to visiting constituents and civic groups. The bill is expected to be introduced by Mr. Thomas and was not considered by a committee.

Additional Information: See *Legislative Digest*, Vol. XXVIII, #33, November 5, 1999.



H.R. 3073—Fathers Count Act

Floor Situation: The House will consider H.R. 3073 after it completes consideration of the scheduled suspensions. Yesterday, the Rules Committee granted a structured rule that provides 90 minutes of general debate, with one hour equally divided between the chairman and ranking minority member of the Ways & Means Committee, and 30 minutes equally divided between the chairman and ranking minority member of the Education & the Workforce Committee. The rule makes in order a committee amendment in the nature of a substitute as base text, waives all points of order against the bill and its consideration, and self-executes a manager's amendment (*i.e.*, incorporates into the base text of the bill upon passage of the rule). The rule makes in order six amendments, debatable in the order listed and for the amount of time specified below, and waives all points of order against their consideration. The rule permits the chairman of the Committee of the Whole to postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 3073 establishes a grant program to foster responsible fatherhood, marriage, job training, and employment among low-income fathers. The bill is designed to prevent the unfortunate cycle of children being raised in fatherless homes by supporting projects to help fathers meet their responsibilities as husbands, parents, and providers. It aims to promote marriage among parents, help poor and low-income fathers establish positive relationships with their children and the children's mothers, promote responsible parenting, and increase family income by strengthening the father's earning power.

Specifically, the bill authorizes the HHS Secretary to award approximately \$140 million to public and private entities over two years for fatherhood projects. In addition, the bill expands the eligibility for participating in the Welfare-to-Work program for both long-term welfare recipients and non-custodial parents with children on public assistance programs. The measure establishes an alternative penalty procedure for states that fail to meet current law requirements to centralize the coordination and distribution of child support services.

The measure also (1) allows the Education Department to use data collected by the HHS Department to locate students who default on government-backed student loans; (2) repeals the \$100 million Welfare-to-Work bonus for states that perform exceptionally in reducing their welfare caseloads; (3) extends the authorization for the HHS Secretary to spend funds on evaluating the Abstinence Education Program through FY 2005; (4) authorizes an additional \$19.3 million over the FY 2000-2003 period for the Census Bureau to evaluate the effects the 1996 welfare reform law; (5) allows states to use funds from foster care and adoption programs to train judges and other court personnel on expediting adoption proceedings and how to manage child abuse and neglect cases; (6) allows states to use information from the national database of new hires to help detect fraud in the unemployment compensation system; and (7) makes a number changes to the Immigration and Nationality Act regarding visa applications for individuals who fail to pay child support.

The rule self-executes a technical manager's amendment to clarify certain family planning language. A CBO cost estimate of the substitute was unavailable at press time. The bill was introduced by Mr. Johnson (CT) *et al.* and was reported by the Ways & Means Committee by voice vote on October 21, 1999. On November 4, Mrs. Johnson (CT) filed a substitute to H.R. 3073 that includes the Welfare-to-Work provisions of H.R. 3172, which was reported by the Education & the Workforce by voice vote on November 3, 1999.

Views: The Republican leadership supports passage of the bill. An unofficial Clinton Administration viewpoint was unavailable at press time.

Amendments: As stated above, the rule makes in order six amendments, debatable in the order listed and for the amount of time specified below.

Ms. Mink will offer an amendment, debatable for 20 minutes, to strike Title I of the bill (which establishes the fatherhood grant programs) and replace it with a similar grant program for “parents” instead of fathers. In addition, the “Parents Count” grant program outlined in the amendment (1) gives preference to applicants that consult with domestic violence prevention and intervention organizations in developing and implementing the project; and (2) eliminates the provision that allows grants to be distributed to faith-based institutions to deliver the services outlined in the measure. *Staff Contact: Brian Branton, x5-4906*

Mr. English will offer an amendment, debatable for 10 minutes, to require that individuals nominated for both review panels (which make recommendations for grants) have experience in fatherhood programs, programs for the poor, programs designed to help children, program administration, or program research. The amendment also outlines an additional preference (in addition to those already in the bill) for projects that encourage payment of child support by helping fathers arrange and maintain consistent schedule of visitation with their children. *Staff Contact: Laura Eugster, x5-5406*

Ms. Mink will offer an amendment, debatable for 10 minutes, to strike Title II of the bill, which includes provisions that (1) authorize the HHS Secretary to award a \$5 million grant over the FY 2002-2005 period to a nationally recognized nonprofit organization to establish an information clearinghouse about fatherhood programs; and (2) authorize the HHS Secretary to award a \$5 million grant over the FY 2002-2005 period to two nationally recognized nonprofit fatherhood promotion organizations that have several years of experience in designing and conducting fatherhood programs. *Staff Contact: Brian Branton, x5-4906*

Mr. Cardin will offer an amendment, debatable for 10 minutes, to allow custodial parents to participate in the Welfare-to-Work program if they have incomes below the poverty level and do not receive assistance under the Temporary Assistance for Needy Families (TANF) program. *Staff Contact: Nick Gwyn, x5-4021*

Mr. Traficant will offer an amendment, debatable for 10 minutes, to require entities that conduct fatherhood projects to provide education on alcohol, tobacco, and other drugs as well as the effect of abusing such substances, and information about HIV/AIDS and its transmission. *Staff Contact: DeVonne Richburg, x5-5261*

Mr. Edwards will offer an amendment, debatable for 20 minutes, to eliminate the provision in the bill that allows fatherhood grants to be distributed to faith-based institutions to deliver the services outlined in the measure. The bill applies the charitable choice provision of the 1996 welfare reform law (*P.L. 104-193*) to the fatherhood grants, therefore allowing states to contract with religious organizations to deliver services so long as they do not discriminate against beneficiaries on the basis of religious belief or refusal to participate in a religious practice. *Staff Contact: Faith Martin-Moor, x5-6105*

Additional Information: See *Legislative Digest*, Vol. XXVIII, #33, November 5, 1999.



H.R. 1714—Electronic Signatures in Global and National Commerce (E-SIGN) Act

Floor Situation: The House will consider H.R. 1714 after it finishes considering H.R. 3073. Yesterday the Rules Committee granted a structured rule providing one hour of general debate, equally divided by the chairman and ranking minority member of the Commerce Committee. The rule makes in order a committee amendment in the nature of a substitute as base text. It also makes in order two other amendments, debatable in the order listed and for the amount of time specified below. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit with or without instructions.

Summary: H.R. 1714 establishes a single, nationwide standard for electronic signatures and records. Electronic signatures on digital documents assure a recipient of a document's origin and authenticity through digital codes specific to each party and ensures that a contract or agreement formed online has legal effect. The bill does not mandate a particular type of authentication nor does it specify the types of businesses that should be permitted to offer these services, leaving such decisions to the marketplace. Thus, the bill is designed to prohibit states from discriminating in favor of a specific type of electronic technology or the manufacturer of that technology.

The measure establishes a uniform national standard that provides legal validity, effect, and enforceability to electronic records and electronic signatures. The bill also sets guidelines under which a state law may alter or supercede federal law. It mandates that the Commerce Secretary report to Congress on any foreign and domestic impediments to commercial activities by using electronic signatures. The secretary must promote the acceptance and use of electronic signatures in the national and international commerce marketplace and take all actions necessary to try to eliminate all impediments to this new commerce tool. Finally, H.R. 1714 amends the 1934 Securities Exchange Act to authorize the use and acceptance of electronic signatures and records in securities transactions and authorizes the SEC to prescribe implementing regulations.

A number of changes were made to the bill since it was reported by the Commerce Committee on August 5, including provisions that (1) expanded the scope of the original bill to cover electronic "records" as well as contracts and agreements; (2) added a new consumer protection requiring consumer "opt-in" before accepting electronic records as a substitute for paper versions; (3) added a new fail-safe mechanism to allow states to reinstate writing requirements for health and safety under certain circumstances; (4) added specific exclusions to the application of the bill for certain circumstances; (5) included a strict savings clause to make clear that nothing in the bill requires a consumer or any party to use or accept electronic records or electronic signatures; (6) added record retention provisions to ensure accurate and accessible record-keeping; (7) removed a timing restriction on states to allow them to enact their own statutes on electronic records and electronic signatures; and (8) removed a requirement that states make a specific reference to federal law for state statutes already enacted.

CBO estimates that enactment will cost approximately \$1 million annually, subject to the availability of appropriations. The bill was introduced by Mr. Bliley and was reported by the Commerce Committee by voice vote on August 5. The House rejected an identical measure under suspension of the rules by a vote of 234-122 on November 1.

Views: The Republican leadership supports passage of the measure. The Clinton Administration strongly opposes the bill and supports the Dingell substitute.

Amendments: As stated above, the rule makes in order the following two amendments to H.R. 1714, debatable in the order listed below.

Mr. Inslee may offer an amendment, debatable for 30 minutes, to make several changes to the base bill. Specifically, the amendment:

- * expands the bill's requirement that consumers affirmatively consent to receive electronic records by requiring the terms of such consent to be obvious and visually separate from other terms. Consumers must, before consenting, be provided with an explanation of how to access and retain electronic records. Consumers also must acknowledge that (1) they are obligated to notify the electronic record provider of any change of the email address where their records are sent; and (2) if they withdraw consent, they must tell the provider of the electronic records where to mail future records;
- * requires that consumers be allowed to review, retain, and print electronic records that they have consented to receive;
- * acknowledges that substantive provisions of federal and state consumer laws are unchanged by the bill. Additionally, it clarifies that consumers do not have to use or accept electronic records or electronic signatures;
- * clarifies that states will have a continuing ability to require that public health and safety notices be given in paper form;
- * encourages states to enact the Uniform Electronic Transactions Law to promote uniform treatment of electronic signatures and records; and
- * requires the Commerce Secretary to study the effectiveness of electronic record delivery via email versus standard mail practices. *Contact: x5-6311*

Messrs. Dingell, Conyers, LaFalce, and Gephardt may offer an amendment, debatable for 30 minutes, to narrow the scope of the bill. The amendment includes provisions to ensure the authentication and validation of electronic signatures and contracts. It also requires federal agencies to study regulatory and statutory impediments to the use of electronic signatures and recommend necessary changes to Congress. However, it *does not* include language in the base bill regarding electronic records. *Contact: x6-3400*

Additional Information: See *Legislative Digest*, Vol. XXVIII, #33, November 5, 1999.



H.R. 1555—FY 2000 Intelligence Authorization Act (Conference Report)

Floor Situation: The House will consider the conference report to H.R. 1555 after it completes H.R. 1714. Yesterday, the Rules Committee granted a rule waiving all points of order against the conference report and its consideration.

Summary: The conference report to H.R. 1555 authorizes appropriations for the intelligence activities of 11 federal agencies including the Central Intelligence Agency (CIA), the National Security Agency (NSA), the Defense Intelligence Agency (DIA), and the Federal Bureau of Investigation (FBI). The funding levels and personnel ceilings for most programs are outlined in a classified annex to the conference report, which members may view at the Select Committee on Intelligence in H-405 in the Capitol.

The conference report establishes a commission to conduct an independent review of the National Reconnaissance Office (NRO). The commission will review (1) the role and mission of the NRO and its organizational structure; (2) the technical skill of its employees; (3) its contractor relationships; (4) the office's use of commercial imagery; (5) the NRO's acquisition of launch vehicles, services, infrastructure, and mission assurance; (6) NRO acquisition authorities; and (7) the NRO's relationship to other agencies and departments of the federal government.

Finally, the conference report includes H.R. 3164, the Foreign Narcotics Kingpin Designation Act, which empowers the president to block the U.S. assets of international narcotics traffickers under the authority of the 1977 International Emergency Economic Powers Act. The measure also directs the Secretary of State to deny visas to international drug traffickers as well as to their spouses and children. The "international narcotics trafficking" designation is based on a list to be created by the Treasury Department, in consultation with the Attorney General, the State Department, and the Central Intelligence Agency (CIA). By June 1 annually, the bill requires the president to make a final determination in designating individuals as an unusual and extraordinary threat to the national security, foreign policy, or economy of the United States. The House passed H.R. 3164 by a vote of 385-26 on November 2, 1999.

The House reported H.R. 1555 by voice vote on May 13, 1999. The Senate passed its version of the bill by voice vote on July 21, 1999.

Views: The Republican leadership supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

Additional Information: See *Legislative Digest*, Vol. XXVIII, #13, Pt. II, May 10, 1999.



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